

Attachment A

Application

**APPLICATION FOR APPRAISED VALUE LIMITATION ON QUALIFIED PROPERTY  
(Tax Code, Chapter 313, Subchapter B or C)**

School district name <b>GRAHAM ISD</b>		Date application filed with district (To be filed in by school district) <b>4/30/2010</b>	
Address <b>400 THIRD STREET, GRAHAM, TX 76450</b>		Phone (area code and number) <b>(940) 549-0595</b>	
<p>This form applies to property that meets the requirements of Tax Code Chapter 313. This completed application must be filed with the school district. If the governing body decides to consider this application, the school district must immediately forward three copies of the application to the Comptroller of Public Accounts and request that the Comptroller provide an economic impact evaluation of the application to the school district. The governing body may, at its discretion, allow the applicant to supplement or amend the application after the filing date, subject to the restrictions in Texas Administrative Code Rule 9.1054, to provide information required by the application form that was unavailable prior to the filing date. The school district must forward the supplemental or amended information to the comptroller and the appraisal district. The school board shall approve or disapprove this application before the 121st day from the application filing date, unless an extension is granted.</p>			
<b>Step 1:</b> Applicant name and address	Only entities to which Tax Code Chapter 171 applies are eligible for appraised value limitations on qualified property.		
	Applicant name: <b>SENATE WIND, LLC</b>		
	Mailing address: <b>9600 Great Hills Trail, Suite 330W</b>		
	Texas Taxpayer I.D. Number of entity subject to Tax Code, Chapter 171 (11 digits): <b>32038287523</b>	City, State: <b>AUSTIN, TX</b>	ZIP code + 4: <b>78759-0000</b>
	Name of person preparing this application: <b>D. DALE CUMMINGS</b>		Title: <b>AGENT</b>
	Phone (area code and number): <b>(713) 266-4456</b>		
<b>Step 2:</b> Describe the property.	(A) Attach the following items to this application:		
	<ol style="list-style-type: none"><li>1. A specific description of all property for which you are requesting an appraised value limitation as defined by Tax Code §313.021(2). Include a description of the land, describe each proposed improvement, and each proposed item of personal property for which you are seeking a limitation. Include each existing appraisal district account number and the legal description of the land, attach a detailed map showing the actual or proposed location of the land and proposed improvements and showing the actual or proposed boundaries and size of the reinvestment zone or enterprise zone in which the property will be located. Attach the order, resolution or ordinance establishing the zone, and the guidelines and criteria for creating the zone (if applicable).</li><li>2. A fully detailed description of the scope of the proposed project, including, at a minimum, the type and planned use of real and tangible personal property, the nature of the business, a timeline for property construction or installation, and any other relevant information.</li><li>3. A map of the reinvestment zone boundaries, certified to be accurate by either the governmental entity creating the zone, the local appraisal district, or a licensed surveyor.</li></ol>		
	(B) Answer the following questions:		
	<ol style="list-style-type: none"><li>1. What is the first tax year of your proposed qualifying time period (as defined by Tax Code §313.021(4))? ..... <b>2011</b></li><li>2. What is the amount of qualified investment, as defined by Tax Code §313.021(1), that will be made during the 2-year qualifying time period? ... <b>\$ 38,000,000</b></li><li>3. What is the amount of appraised value limitation for which you are applying? . <b>\$ 10,000,000</b></li></ol>		
	NOTE: The minimum amount of qualified investment required to qualify for an appraised value limitation and the minimum amount of appraised value limitation vary depending on whether the school district is classified as rural, and the school district's property value. For assistance in determining these minimums, access the comptroller's Web site at <a href="http://www.window.state.tx.us/taxinfo/proptax/hb1200/values.html">http://www.window.state.tx.us/taxinfo/proptax/hb1200/values.html</a> .		



**Step 3:**

Answer these questions about property and job qualifications.

1. Do you propose to construct a new building or to erect or affix a new improvement after the date you submit this application? ☒ Yes ☐ No
2. Will all of the property for which you are requesting an appraised value limitation be free of a tax abatement agreement entered into by a school district for the duration of the qualifying time period, and for the duration of the appraised value limitation? ☒ Yes ☐ No
3. Is the land on which you propose new construction or improvement currently located in an area designated as a reinvestment zone under Tax Code Chapter 311 or 312 or as an enterprise zone under Government Code Chapter 2303? ☒ Yes ☐ No
  - 3(a) If you answered "no" to the question above, are you seeking an agreement with a taxing unit that, prior to the first day of the qualifying time period, will result in a reinvestment zone with boundaries encompassing the land on which you propose new construction or improvement? ☒ Yes ☐ No  
 Date of anticipated agreement? \_\_\_\_\_
4. Do you intend to make at least the minimum qualified investment required by Tax Code §313.023 (or 313.053 for rural school districts) for the relevant school district category? ☒ Yes ☐ No
5. On the land and in connection with the new building or other improvement, do you plan to create at least 25 new jobs (at least 10 new jobs for rural school districts)? ☐ Yes ☒ No
6. Will at least 80 percent of all the new jobs created by the property owner be qualifying jobs as defined by Tax Code §313.021(3)? ☒ Yes ☐ No
  - 6(a) If you answered "yes" to the question above, attach documentation from the Texas Workforce Commission that the new qualifying jobs meet the requirements of Tax Code §313.021(3)(E) or 313.051(b).
7. Do you intend to request that the governing body waive the minimum jobs creation requirement, as provided under Tax Code §313.025(f-1)? ☒ Yes ☐ No
  - 7(a) If you answered "yes" to the question above, attach evidence documenting that the job creation requirement (5) above exceeds the number of employees necessary for the operation, according to industry standards.
8. Except for new equipment described in Tax Code §151.318(q) or (q-1), is the proposed tangible personal property to be placed in service for the first time
  - a) In or on the new building or other new improvement for which you are applying for an appraised value limitation, or
  - b) If not in or on the new building or other new improvement for which you are applying for an appraised value limitation, is the personal property necessary and ancillary to the business conducted in the new building or other new improvement, and is the personal property on the same parcel of land as the building for which you are applying for an appraised value limitation? ☒ Yes ☐ No ☐ N/A  
 ["First placed in service" means the first use of the property by the taxpayer.]
9. The property will be used as an integral part, or as a necessary auxiliary part, in one of the following activities as defined by Tax Code §313.024(b):
 

• manufacturing; .....	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
• research and development .....	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
• a clean coal project; .....	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
• an advanced clean energy project .....	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
• renewable energy electric generation; .....	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
• electric power generation using integrated gasification combined cycle technology; or. ....	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
• nuclear electric power generation .....	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
10. Are you an entity to which Tax Code, Chapter 171 applies? ☒ Yes ☐ No

<b>Step 4:</b> Answer these questions about investment, property value and employment.	<ol style="list-style-type: none"> <li>1. Will the investment in real or personal property you propose to be counted toward the minimum qualified investment required by Tax Code §313.023, (or 313.053 for rural school districts) be first placed in service in this state during the applicable qualifying time period? ..... <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>2. Does the investment in tangible personal property meet the requirements of Tax Code §313.021(1)? ..... <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</li> <li>3. If the proposed investment includes a building or a permanent, non-removable component of a building, does it house tangible personal property described above? ..... <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</li> <li>4. Will you own the property or lease the property under a capitalized lease? If leased, attach a copy of the lease agreement..... <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>5. Are you including property that is owned by a person other than the applicant and that is pooled or proposed to be pooled with property owned by the applicant in determining the amount of your qualified investment? ..... <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</li> </ol>
<b>Step 5:</b> Economic Impact	<p>Please answer the following questions.</p> <ol style="list-style-type: none"> <li>1. Applicant's 6-digit North American Industry Classification System (NAICS) code: ..... <u>221,119</u></li> <li>2. Is Schedule A completed for all years and attached? ..... <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>3. Is Schedule B completed for all years and attached? ..... <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>4. Is Schedule C completed for all years and attached? ..... <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>5. Total number of new jobs that will have been created when fully operational: ..... <u>1</u></li> <li>6. Total number of new jobs identified in (5) above that will have wages greater than 110 percent of the county average weekly wage for manufacturing jobs*: ..... <u>1</u></li> <li>7. Total number of new jobs identified in (5) above that will meet all the criteria for "qualifying jobs" as specified in Tax Code §313.021(3): ..... <u>1</u></li> <li>8. Describe each type of benefits to be offered to qualifying jobholders. Explain.  <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p><b>In addition to annual salary, each qualified position will receive medical insurance that pays at least 80% of employee only coverage and life insurance plans. Also included is a 401k plan, paid sick leave, and vacation.</b></p> </div> </li> <li>8(a) Will the jobs created offer at least 80 percent of the premiums or other charges assessed for employee-only coverage under the group health benefit plan for qualifying jobholders? ..... <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>9. Describe the ability of your company to locate or relocate in another state or another region of the state.  <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p><b>SEE ATTACHMENT F</b></p> </div> </li> <li>10. Describe the current economic condition of the region of the state where the property is located.  <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p><b>SEE ATTACHMENT F</b></p> </div> </li> </ol> <p style="font-size: small; margin-top: 10px;">*Applicants to rural school districts that are not located in an SIA [see §313.051(a)(2)] must meet the regional wage standard described in 313.051(b).</p>

<p><b>Step 6:</b> Applicant sign and date application.</p>	<p>By signing this application, you certify that this information is true and correct to the best of your knowledge and belief. Also by signing this application, you agree to respond promptly to all information requests made by the comptroller under Tax Code §313.032 and to send updated contact information to the comptroller throughout the agreement period.</p> <p>print here <u>SENATE. CONTRACT</u> <u>SECRETARY</u>  <i>Name of authorized company officer</i> <i>Title</i></p> <p>sign here <u>[Signature]</u> <u>9/28/10</u>  <i>Signature of authorized company officer</i> <i>Date</i></p> <p>On behalf of <u>Senate Wind LLC</u>  <i>Name of corporation/company</i></p>
<p>If you make a false statement on this application, you could be found guilty of a Class A misdemeanor or a state jail felony under Texas Penal Code §37.10.</p>	
<p><b>Step 7:</b> School district official sign and date application.</p>	<p>By signing below, I affirm that I have been delegated the authority by the school district governing body to act on its behalf with regard to this application for a limitation on appraised value.</p> <p>print here <u>REAGAN "BOB" RESS</u> <u>Supt.</u>  <i>Name of authorized school district official</i> <i>Title</i></p> <p>sign here <u>[Signature]</u> <u>5/3/20</u>  <i>Signature of authorized school district official</i> <i>Date</i></p> <p>On behalf of <u>Graham ISD</u>  <i>Name of school district</i></p>



**SCHEDULE A: INVESTMENT**

PROPERTY INVESTMENT AMOUNTS (\$)							
(Estimated Investment in each year. Do not put cumulative totals.)							
	Year	Column A: Tangible Personal Property: the amount of new investment (original cost) placed in service during this year	Column B: Building or permanent nonremovable component of building (annual amount only)	Column C: Sum of A and B—Qualifying Investment (during the qualifying time period)	Column D: Other investment that is not qualified investment but investment affecting economic impact and total value	Column E: Total Investment (A+B+D)	
	pre-year 1*	0			\$ -	\$ -	
	Qualifying time period	\$ 38,000,000	\$ -	\$ 38,000,000	\$ -	\$ 38,000,000.00	
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"Pre-Year 1" is the time period after the applicant has applied to the district and before January 1 of the first tax year of the qualifying time period. Qualifying Time Period is the first two tax years beginning after the date of the approval of the application (the agreement).

Column A: This represents the total dollar amount of planned investment in tangible personal property the applicant considers qualified investment- as defined in Tax Code §313.021(1)(A)-(D). For the purposes of investment, please list amount invested each year, not cumulative totals.

[For the years outside the qualifying time period, this number should simply represent the planned investment in tangible personal property]. Include estimates of investment for "replacement" property-property that is part of original agreement but scheduled for probable replacement during limitation period.

Column B: The total dollar amount of planned investment each year in buildings or nonremovable component of buildings that the applicant considers qualified investment under Tax Code §313.021(1)(E).

For the years outside the qualifying time period, this number should simply represent the planned investment in new buildings or non-removable components of buildings.

Column D: Dollar value of other investment that may not be qualified investment but that may affect economic impact and total value.

The most significant example for many projects would be land. Others may choose to include items such as professional services, etc.

**Note:** Land can be listed as part of investment during the "pre-year 1" time period. It cannot be part of qualifying investment.

This schedule must be submitted with the original application, any agreement addendum, any reporting of replacement property, and any application for tax credit. When using this schedule for any purpose other than the original application, replace original estimates with actual appraisal district data for past years and update estimates for current and future years. If original estimates have not changed, enter those amounts for future years.

# SCHEDULE B: ESTIMATED MARKET AND TAXABLE VALUE

		All figures here are to be cumulative									
		Qualified Property					Reductions from market value (exemptions, etc)			Estimated Taxable Value	
		Year	Column A: Estimated Market Value of Land	Column B: Estimated Total Market Value of new buildings or other new improvements	Column C: Estimated Total Market Value of tangible personal property in the new building or "in or on the new improvement"	D: Due to pollution control property (estimated or actual as appropriate)	E: Due to other exemptions	F: Estimated total taxable value for I&S: (A+B+C)-(D+E)	G: Estimated total taxable value for M&O: (Column F amount with the limitation value in years 3-10)		
		pre-year 1	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	Qualifying time period	1	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
		2	\$ -	\$ -	\$ 33,000,000	\$ -	\$ -	\$ 38,000,000	\$ -	\$ 38,000,000	
		3	\$ -	\$ -	\$ 35,910,000	\$ -	\$ -	\$ 35,910,000	\$ -	\$ 10,000,000	
		4	\$ -	\$ -	\$ 33,934,950	\$ -	\$ -	\$ 33,934,950	\$ -	\$ 10,000,000	
		5	\$ -	\$ -	\$ 32,068,528	\$ -	\$ -	\$ 32,068,528	\$ -	\$ 10,000,000	
		6	\$ -	\$ -	\$ 30,304,759	\$ -	\$ -	\$ 30,304,759	\$ -	\$ 10,000,000	
		7	\$ -	\$ -	\$ 28,637,997	\$ -	\$ -	\$ 28,637,997	\$ -	\$ 10,000,000	
		8	\$ -	\$ -	\$ 27,062,907	\$ -	\$ -	\$ 27,062,907	\$ -	\$ 10,000,000	
		9	\$ -	\$ -	\$ 25,574,447	\$ -	\$ -	\$ 25,574,447	\$ -	\$ 10,000,000	
		10	\$ -	\$ -	\$ 24,167,853	\$ -	\$ -	\$ 24,167,853	\$ -	\$ 10,000,000	
		11	\$ -	\$ -	\$ 22,838,621	\$ -	\$ -	\$ 22,838,621	\$ -	\$ 10,000,000	
		12	\$ -	\$ -	\$ 21,582,497	\$ -	\$ -	\$ 21,582,497	\$ -	\$ 21,582,497	
		13	\$ -	\$ -	\$ 20,395,459	\$ -	\$ -	\$ 20,395,459	\$ -	\$ 20,395,459	
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This schedule must be submitted with the original application, any agreement addendum, any reporting of replacement property, and any application for tax credit. When using this schedule for any purpose other than the original application, replace original estimates with actual appraisal district data for past years and update estimates for current and future years. If original estimates have not changed, enter those amounts for future years.

# SCHEDULE C: EMPLOYMENT INFORMATION

	Year	Construction		Permanent New Jobs		Qualifying Jobs		Existing Jobs
		Number of Construction FTE's or man-hours (Specify)	Average wage rates for construction workers	Total number of permanent full-time new jobs created by the applicant	Average wage rate for all permanent new jobs for each year	Total number of permanent new qualifying jobs with wages greater than 110% of the county average weekly manufacturing wage*	Total number of permanent qualifying jobs meeting all criteria of Sec. 313.021(3)	
	pre- year 1							
Tax Credit Period (with 50% cap on credit)	Qualifying time period	8 FTE	\$ 35,360	0				0
				1	\$ 50,000	1	1	0
				1	\$ 50,000	1	1	0
				1	\$ 50,000	1	1	0
				1	\$ 50,000	1	1	0
				1	\$ 50,000	1	1	0
				1	\$ 50,000	1	1	0
				1	\$ 50,000	1	1	0
				1	\$ 50,000	1	1	0
				1	\$ 50,000	1	1	0
Credit Settle-Up Period	Continue to Maintain Viable Presence			1	\$ 50,000	1	1	0
				1	\$ 50,000	1	1	0
				1	\$ 50,000	1	1	0
				1	\$ 50,000	1	1	0

This schedule must be submitted with the original application, any agreement addendum, any reporting of replacement property, and any application for tax credit. When using this schedule for any purpose other than the original application, replace original estimates with actual employment data for past years and update estimates for current and future years. If original estimates have not changed, enter those amounts for future years.

\* Applicants to rural school districts that are not located in an SIA [see §313.051(a)(2)] must meet the regional wage standard described in 313.051(b).



# SCHEDULE A-3676 (Temporary - July 2009): INVESTMENT & TAXES

PROPERTY INVESTMENT AMOUNTS (\$)										TAX INFORMATION			
(Estimated investment in each year. Do not put cumulative totals.)													
	Year	Tax Year (fill in actual tax year below)	Column A: Tangible Personal Property: the amount of new investment (original cost) placed in service during this year	Column B: Building or permanent nonremovable component of building (annual amount only)	Column C: Sum of A and B—Qualifying investment (during the qualifying time period)	Column D: Other investment that is not qualified investment but investment affecting economic impact and total value	Column E: Total Investment (A+B+D)	Column F: Estimate of total annual expenditures* subject to state sales tax	Column G: Estimate of total annual expenditures* made in Texas NOT subject to sales tax	Column H: Estimate of Franchise tax due from (or attributable to) the applicant			
The year preceding the first complete tax year of the qualifying time period (assuming no deferrals)	Investment made before filing application with district (neither qualified property nor eligible to become qualified investment) Investment made after filing application with district, but before application approval (eligible to become qualified property) Investment made after application approval and before Jan. 1 of first complete tax year of qualifying time period (qualified investment and eligible to become qualified property)	2010											
Tax Credit Period (with 50% cap on credit)	Value Limitation Period	1	2011	\$ 38,000,000	\$ -	\$ 38,000,000	\$ -	\$ -	\$ 38,000,000	\$1,552,653	\$ 36,447,347	\$30,130	
		2	2012	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$30,130	
		3	2013	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$30,130	
		4	2014	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$30,130	
		5	2015	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$30,130	
		6	2016	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$30,130	
		7	2017	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$30,130	
		8	2018	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$30,130	
		9	2019	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$30,130	
		10	2020	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$30,130	
Credit Settle-Up Period	Continue to Maintain Viable Presence	11	2021	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$30,130	
		12	2022	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$30,130	
		13	2023	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$30,130	
		14	2024	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$30,130	
Post-Settle-Up Period		15	2025	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$30,130	

Qualifying Time Period usually begins with the approval of the application and extends generally for the following two complete tax years.

Column A: This represents the total dollar amount of planned investment in tangible personal property the applicant considers qualified investment, as defined in Tax Code §313.021(1)(A)-(D).

For the purposes of investment, please list amount invested each year, not cumulative totals.

[For the years outside the qualifying time period, this number should simply represent the planned investment in tangible personal property.]

Include estimates of investment for "replacement" property-property that is part of original agreement but scheduled for probable replacement during limitation period.

Column B: The total dollar amount of planned investment each year in buildings or nonremovable component of buildings that the applicant considers qualified investment under Tax Code §313.021(1)(E).

For the years outside the qualifying time period, this number should simply represent the planned investment in new buildings or nonremovable components of buildings.

Column D: Dollar value of other investment that may not be qualified investment but that may affect economic impact and total value.

The most significant example for many projects would be land. Other examples may be items such as professional services, etc.

Note: Land can be listed as part of investment during the "pre-year 1" time period. It cannot be part of qualifying investment.

\* For planning, construction and operation of the facility.

Note: Information related to taxes in Columns F through H, for the year preceding the first complete year of the qualifying time period, need not be broken out by the time periods used for the requested investment information in Columns A through E.

Note: For advanced clean energy projects, nuclear projects, projects with deferred qualifying time periods, and projects with lengthy application review periods, insert additional rows as needed.

The information on this schedule is required pursuant to the provisions of HB 3676, 81st Legislature, effective June 19, 2009. Additionally, the Comptroller is authorized by 24 TAC § 9.1057(b) to request information from the school district or applicant that is reasonably necessary to complete the recommendation or economic impact evaluation at any time during the application review period.

# **SCHEDULE B-3676 (Temporary - July 2009): ESTIMATED MARKET AND TAXABLE VALUE**

			Qualified Property					Reductions from market value (exemptions, etc)			Estimated Taxable Value								
				Column A: Estimated Market Value of Land	Column B: Estimated Total Market Value of new buildings or other new improvements	Column C: Estimated Total Market Value of tangible personal property in the new building or "in or on the new improvement"	D: Due to pollution control property (estimated or actual as appropriate)	E: Due to other exemptions	F: Estimated total taxable value for I&S: (A+B+C)-(D+E)	G: Estimated total taxable value for M&O: (Column F amount with the limitation value in years 3-10)									
			Year	Tax Year (fill in actual tax year)															
			pre- year 1	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
			Complete tax years of qualifying time period																

The information on this schedule is required pursuant to the provisions of HB 3676, 81st Legislature, effective June 19, 2009. Additionally, the Comptroller is authorized by 34 TAC § 9.1057(b) to request information from the school district or applicant that is reasonably necessary to complete the recommendation or economic impact evaluation at any time during the application review period.



# SCHEDULE C-3676 (Temporary - July 2009): EMPLOYMENT INFORMATION

			Existing Jobs		Construction		Permanent New Jobs		Qualifying Jobs	
	Year	Tax Year (fill in actual tax year)	Column A: Number of permanent existing full time jobs prior to application	Column B: Number of Construction FTE's or man- hours (specify)	Column C: Average annual wage rates for construction workers	Column D: Total number of permanent full- time new jobs applicant commits to create	Column E: Average annual wage rate for all permanent new jobs for each year	Column F: Number of qualifying jobs applicant commits to create meeting all criteria of Sec. 313.021(3)	Column G: Avg. annual wage of qualifying jobs	
	pre-year 1	2010	0					0	\$ -	
	1	2011	0	8 FTE	\$ 35,360	0	\$ -	0	\$ -	
	2	2012	0	0	\$ -	1	\$ 50,000	1	\$ 50,000	
	3	2013	0	0	0	1	\$ 50,000	1	\$ 50,000	
	4	2014	0	0	0	1	\$ 50,000	1	\$ 50,000	
	5	2015	0	0	0	1	\$ 50,000	1	\$ 50,000	
	6	2016	0	0	0	1	\$ 50,000	1	\$ 50,000	
	7	2017	0	0	0	1	\$ 50,000	1	\$ 50,000	
	8	2018	0	0	0	1	\$ 50,000	1	\$ 50,000	
	9	2019	0	0	0	1	\$ 50,000	1	\$ 50,000	
	10	2020	0	0	0	1	\$ 50,000	1	\$ 50,000	
	11	2021	0	0	0	1	\$ 50,000	1	\$ 50,000	
	12	2022	0	0	0	1	\$ 50,000	1	\$ 50,000	
	13	2023	0	0	0	1	\$ 50,000	1	\$ 50,000	
	14	2024	0	0	0	1	\$ 50,000	1	\$ 50,000	
	15	2025	0	0	0	1	\$ 50,000	1	\$ 50,000	
Tax Credit Period (with 50% cap on credit)	Continue to Maintain Viable Presence									
Credit Settle-Up Period										
Post-Settle-Up Period										
Post-Settle-Up Period										

The information on this schedule is required pursuant to the provisions of HB 3676, 81st Legislature, effective June 19, 2009. Additionally, the Comptroller is authorized by 34 TAC § 9.1057(b) to request information from the school district or applicant that is reasonably necessary to complete the recommendation or economic impact evaluation at any time during the application review period.

Note: Section 313.024(d) Tax Code requires that, to be eligible for a limitation, 80 percent of all new jobs must be qualifying jobs.



**Temporary Addendum to Application for Appraised Value Limitation on  
Qualified Property - July 2009**

The 81<sup>st</sup> Legislature passed HB 3676, which made changes to Texas Tax Code, Chapter 313<sup>1</sup>, including more information required to be analyzed in the Comptroller's economic impact evaluation (§313.026(a)). In order to facilitate completion of the evaluation, please provide the following, including temporary supplemental schedules A, B & C to collect information needed for HB 3676. The information on this addendum and additional schedules is required pursuant to the provisions of HB 3676, 81st Legislature, effective June 19, 2009. Additionally, the Comptroller is authorized by 34 TAC § 9.1057(b) to request information from the school district or applicant that is reasonably necessary to complete the recommendation or economic impact evaluation at any time during the application review period. (Note: Should the applicant anticipate the need to keep any of the requested information in the application, addendum or supplemental schedules confidential, please read the attachment entitled 'Confidential Information submitted to the Comptroller' at the end of this addendum.)

Applicant name: Senate Wind, LLC

Please describe the general nature of the applicant's investment: 24 megawatt  
Wind farm

Taxing entities that have jurisdiction for the property:

County Young County

Are you seeking property tax abatements or other favorable tax treatment from this entity? If so, please describe the request (typically the percentage abatement and the length of time the abatement would be in effect).

Senate Wind LLC has requested a ten-year 100% abatement with payments in-lieu of tax paid to Young County. Tax abatement terms have yet to be negotiated and finalized as of January 31, 2010.

City Not applicable

Are you seeking property tax abatements or other favorable tax treatment from this entity? If so, please describe the request (typically the percentage abatement and the length of time the abatement would be in effect).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Hospital District Not applicable

<sup>1</sup> All references are to Texas Tax Code, Chapter 313 as amended by HB 3676, 81<sup>st</sup> Legislature, unless otherwise noted.

Are you seeking property tax abatements or other favorable tax treatment from this entity? If so, please describe the request (typically the percentage abatement and the length of time the abatement would be in effect).

No \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Other (describe) n/a

Other (describe) n/a

Other (describe) n/a

Are you seeking property tax abatements or other favorable tax treatment from any of these entities? If so, please describe the request (typically the percentage abatement and the length of time the abatement would be in effect).

\_\_\_\_\_  
\_\_\_\_\_

Are you seeking any other state or local economic development incentives? Examples could include road or public infrastructure improvements, job training grants, loan guarantees, special financing, etc.) no If yes, please describe, attaching documentation as necessary.

The locally collected sales tax rate is: 0%

Will the land upon which the new building or new improvement be built be part of the qualified property described by §313.021(2)(A)? No If yes, please attach complete documentation: legal description, parcel ID, current taxable value, owner, etc.

Will the project be on leased land? Yes

If there are any other payments made in the state or economic information that you believe should be included in the economic analysis, please attach a separate schedule showing the amount for each year affected, including an explanation.

What is the anticipated date of application approval? March 31, 2010

What is the anticipated date of beginning of the qualifying time period?  
April 1, 2010

What is the approximate date the proposed facility or new improvement is expected to be fully operational? December 31, 2011

What is the minimum required annual wage for each qualified job in this school district? [See new §§313.021(5)(A) or 313.021(5)(B) or 313.021(3)(E)(ii), or 313.051(b).]  
\$40,680 (\$36,982 x 110%) (see Attachment G for calculation) . Please specify method of computation and attach documentation from TWC web site. (Note that applicants to school districts subject to Subchapter C because of demographic characteristics must meet the regional wage standard described in §313.051(b).)

What is the minimum annual wage you will be paying for each qualified job in this school district? \$50,000

What is the maximum number of qualifying jobs meeting all criteria of §313.021(3) you are committing to create? (Use Schedule C-3676, Column F to indicate number of qualifying jobs in specific years.)

By signing this addendum, you certify that this information is true and correct to the best of your knowledge and belief.

VICTOR CONTRACT  
Name of authorized company officer  
[Signature]  
Signature of authorized company officer

SECRETARY  
Title  
4/28/10  
Date

On behalf of Sevate Wind LLC  
Name of corporation/company

If you make a false statement on this application, you could be found guilty of a Class A misdemeanor or a state jail felony under Texas Penal Code §37.10.

School district official sign and date application.

By signing below, I affirm that I have been delegated the authority by the school district governing body to act on its behalf with regard to this application for a limitation on appraised value.

Reagan Bean Rees  
Name of authorized school district official

Supt.  
Title  
5/3/2010  
Date

[Signature]  
Signature of authorized school district official

Name of school district Graham ISD



## Attachment A

### Step 2: Describe the Property

Senate Wind, LLC ("Senate Wind") is requesting an appraised value limitation from Graham ISD ("GISD") for a proposed renewable energy project using wind turbines (wind farm) in Young County.

The wind farm will be constructed within a reinvestment zone established by Young County Commissioners Court. A map showing the location of the wind farm has been previously furnished to GISD and the Comptroller and was marked Attachment B. The legal description of the land included in the reinvestment zone is included in Attachment C. The resolution establishing the reinvestment zone on June 8, 2009 is included as Attachment D.

Tax abatement guidelines and criteria for tax abatement for Young County are shown in Attachment E.

Responses to Step 5, Questions 9 and 10 are shown in Attachment F.

Required wage rates using average regional manufacturing wage rates are shown in Attachment G.

Senate Wind LLC is requesting that Graham ISD waive the requirement to create ten jobs. Documentation that ten jobs is in excess of industry standards is shown in Attachment H.

The wind farm will have an estimated initial capacity of 24 megawatts. To construct the wind farm, Senate Wind will install an estimated 12 wind turbines in Graham ISD that will have a rated capacity of two megawatts each (subject to completion of wind turbine selection). In addition to the wind turbines, electrical connections will be installed to permit the interconnection and transmission of electricity generated by the wind turbines.

Construction of the wind farm is proposed to begin in late 2010. Construction will take approximately twelve months. The wind farm is slated to begin commercial operations in late 2011. At the peak of construction an estimated 8 construction workers will be employed at the project site.

**Attachment B**

Attached is a map showing the land area where the turbines will be located.

*The attachment was provided with original application. No changes have been made from original submittal.*

## **Attachment C**

The legal description of the land in the reinvestment zone is as follows:

Tex. Emigration & Land Co. A-1137  
Tex. Emigration & Land Co. A-1143  
Tex. Emigration & Land Co. A-1144  
Tex. Emigration & Land Co. A-1153  
Tex. Emigration & Land Co. A-1159  
Tex. Emigration & Land Co. A-1160  
G & BN Co. - Tex. Emigration & Land Co. A-2051



**Attachment D**

**Resolution of Young County establishing the reinvestment zone**

The Commissioners Court order establishing the reinvestment zone on June 8, 2009 is attached.

AN ORDER OF THE COMMISSIONERS COURT OF YOUNG COUNTY,  
TEXAS DESIGNATING CERTAIN REAL PROPERTY WITHIN YOUNG  
COUNTY AS A REINVESTMENT ZONE UNDER CHAPTER 312 OF THE  
TEXAS TAX CODE

WHEREAS in conformity with Chapter 312 of the *Texas Tax Code* and Young County, Texas' *Tax Abatement Guidelines and Criteria* which were adopted on July 28, 2008 (hereinafter "the Guidelines"), the Commissioners Court of Young County conducted a public hearing at 9:45 a.m. on **June 8, 2009**, regarding the designation of the following identified real property within Young County:

Texas Emigration & Land Co. Abstract Nos. 1137, 1143, 1144, 1153, 1159, 1160;  
and, G. & B.N. Company Abstract No. 2051;

more particularly described as the "Senate Wind, LLC Reinvestment Zone," (hereinafter "the Property") as a reinvestment zone under the said chapter at the request of Senate Wind, LLC, a Delaware limited liability company (hereinafter "Applicant"); and

WHEREAS Applicant has filed an application with the Commissioners Court of Young County, Texas proposing certain improvements (hereinafter the "Improvements") to be located on the Property and requesting abatement of property taxes with respect to such Improvements; and

WHEREAS Chapter 312 and the Guidelines require that certain findings of fact be entered in order to designate a reinvestment zone;

NOW, THEREFORE, the Commissioners Court of Young County, Texas finds as follows with regard to the Property:

- a) That the Applicant has met his burden and demonstrated to this body that the designation of the Property as a reinvestment zone is reasonably likely to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the Property and that would contribute to the economic development of Young County; and
- b) That the Improvements sought are feasible and practical; and
- c) That the Improvements sought will be a benefit to the Property and to Young County after the expiration of an agreement entered into under V.T.C.A., Tax Code, Section 312.204; and
- d) That, not later than the seventh day before the date of said hearing, notice of the hearing was (1) published in the *Graham Leader*, a newspaper having a general circulation in Young County, Texas, and (2) delivered in writing to the presiding officer of the Graham Independent School District, said taxing entity being the only other taxing unit that includes the Property in its boundaries; and

- e) That notice of said public hearing and the meeting at which this order was adopted was open to the public and was preceded by proper notice as required by Chapter 551 of the Texas Government Code (the Open Meetings Act); and
- f) That the Property is not in the taxing jurisdiction of any municipality.

WHEREAS the Commissioners Court of Young County has made the findings of fact necessary to designate the Property as a reinvestment zone; and

WHEREAS the Commissioners Court of Young County believes such designation to be advantageous to the inhabitants of Young County;

It is therefore ORDERED by the Commissioners Court of Young County that the Property identified above within Young County is hereby designated as a reinvestment zone under Chapter 312 of the *Texas Tax Code* and, in accordance with TEX. TAX CODE §312.213 such designation shall be effective for a period of five (5) years from the date of this order and may be renewed as provided by applicable law.

PASSED AND APPROVED on this the 8th day of June 2009.

  
Stan Peavy, III, County Judge  
Young County, Texas

I, the undersigned, Shirley Choate, County Clerk of Young County, Texas, do hereby certify that the above is a true and correct copy of a resolution duly adopted by the County of Young, at a regular meeting duly convened on June 8, 2009.

\_\_\_\_\_  
Shirley Choate, County Clerk

\_\_\_\_\_  
Date



## LETTERS TO THE EDITOR

### Drive safe

It's almost time for summer and all the kids will be out of school. We live in Jean across from the community center. Every summer I watch other kids running all over the place on bicycles and four-wheelers on the same streets vehicles rip up and down, going probably about 50-60 miles per hour. You would think that folks would have enough concern for the lives of children to drive at a reasonable speed on the county roads in residential areas; however, it does not seem to be the case. Every summer when I look outside the First United Methodist Church in Graham.

There are new requirements for the upcoming 2009-10 school year. Incoming 7th grade students are required to get Tdap, second varicella and the Meningococcal vac-

else's kids hurtle her. I'm sure that this doesn't just pertain to Scooby Road. I've noticed that for some reason folks seem to drive way too fast in residential areas on the county roads.

Perhaps folks might consider if there is a house, there could be a child. Please slow down. For anyone this offends, I feel I have the right to write this letter not only for the sake of my children but also because more than likely, I will be the first one out there when your child gets hit by a car in front of my house. Not only do I never want that to happen, but I sure don't want to witness it. Folks

school entry in August.

All school immunizations including Pediarix, Pentacel, Rotavirus, Tdap, DtaP, Polio, Hib, MMR, Hepatitis B, Pre-vuar, Varicella and Hepatitis A will be offered.

The Texas Department of

the medical insurance I do have, and, of course, wouldn't expect any physician to treat patients without payment. I consider myself fortunate that I found anyone in his field still accepting Medicare patients. One can easily understand how I may feel a little nervous about my medical future! None of us should think "it won't happen to me" — because it can and probably will.

(Mrs.) Bobbye Nelson  
Graham

### Shame on you

When someone is denied services due to an inability to pay, Parents or guardians must accompany a minor.

For more information regarding the clinic, call (940) 574-2159 prior to 4 p.m. the day of the clinic.

### Professional Skin Care For Men & Women

Laser Hair Removal • Ven Therapy  
Skin Tightening/Wrinkle Reduction  
Skin Care Products • OBAGI • SkinCeuticals  
Skin Care Massage • Juvéderm  
Microdermabrasion • BOTOX • Restylane  
Juvéderm • Spa Facials • Chemical Peels  
Sunless Tanning • Teeth Whitening

PhotoRejuvenation Treatments  
Facial Redness  
Freckles & Age Spots  
Acne/Micro Scar • Uneven Skin Tone  
Permanent Cosmetics  
Eyelash Extensions  
Waxing • Massage Therapy

### skinessentials

AND LASER CENTER

John F. Lucas, M.D., P.A.  
William P. Martin, M.D., P.A.

Graham Regional Hospital  
Women's Center  
940-521-5582  
1301 Montgomery Road  
Graham, TX 76450


Congratulations to  
Dan & Virginia Orr  
on 67 Years of Marriage

### NOTICE OF PUBLIC HEARING

Pursuant to Section 312.401 of the Texas Tax Code, the Young County Commissioners Court will hold a public hearing on June 8, 2009 at 9:45 a.m. in the County Court Room regarding the request by Senate Wind, LLC to designate the following real property in northwest Young County, Texas as a reinvestment zone (to be known as the "Senate Wind, LLC Reinvestment Zone") for the purposes of granting tax abatements for a wind farm project: Texas Emigration & Land Co. Abstract Nos. 1137, 1143, 1144, 1153, 1159, 1160; and, G. & B.N. Company Abstract No. 2051. At the hearing, all interested persons are entitled to speak and present statements for or against the designation. Following the public hearing the Commissioners Court will consider the request.

Dated this the 26<sup>th</sup> day of May 2009.

Commissioners' Court of Young County,  
Texas

By:   
Stan Peavy, III, County Judge  
Young County, Texas

## First Baptist Church

Will Resume Broadcasting On  
Windjammer Channel 19

Sunday, May 31

### Broadcast Schedule

Sunday Morning Live: 11:00am

Sunday Evening Live: 6:00pm

Sunday Morning Rebroadcast: 9:00pm

Wednesday Evening Live: 7:00pm

First Baptist Church  
623 Third St. • Graham, TX

**STORAGE RENTALS**  
Now Available  
Monthly rents for your  
Storage Needs  
940-549-6086  
940-550-8280

**DPE**  
Environmental  
7990A St. • Graham, TX 76450  
940-521-9100 • dpe401@yahoo.com

**Helping You**  
is what we do best.  
The Children  
940-549-2443  
940-549-2443

**Attachment E**

Tax abatement guidelines and criteria adopted by Young County Commissioners Court on October 1, 2008 are attached.



## Young County State of Texas

### Tax Abatement Guidelines and Criteria

The purpose of this document is to establish guidelines, and a uniform policy of tax abatement for owners or lessees of eligible facilities willing to execute tax abatement contracts designed to provide long term significant positive economic impact to the community by utilizing the area contractors and work force to the maximum extent feasible, and by developing, redeveloping, and improving property. Except as otherwise provided, all contracts will be identical.

In order to be eligible for designation as a reinvestment zone and receive tax abatement, the planned improvement

1. Must be reasonably expected to have an increase in positive net economic benefit to Young County of at least \$1,000,000.00 over the life of the abatement, computed to include (but not limited to) new sustaining payroll and/or capital improvement. The creation of (number and type) new jobs will also factor into the decision to grant an abatement; and
2. Must not be expected to solely or primarily have the effect of transferring employment from one part of Young County to another.

In addition to the criteria set forth above, the Young County Commissioners Court reserves the right to negotiate a tax abatement agreement in order to compete favorably with other communities.

Only that increase in the fair market value of the property directly resultant from the development, redevelopment and improvement specified in the contract will be eligible for abatement and then only to the extent that such increase exceeds any reduction in the fair market value of the other property of the Applicant located within the jurisdiction creating the reinvestment zone.

All abatement contracts will be for a term no longer than allowed by law.

It is the goal of Young County to grant tax abatements on the same terms and conditions as the other taxing units having jurisdiction of the property. However, nothing herein shall limit the discretion of the Young County Commissioners Court to consider, adopt, modify or decline any tax abatement request.

This policy is effective as of October 1, 2008 and shall at all times be kept current with regard to the needs of Young County and reflective of the official views of the County Commissioners Court and shall be reviewed every two years.



The adoption of these guidelines and criteria by the Young County Commissioners Court does not:

1. Limit the discretion of the governing body to decide whether or not to enter into a specific tax abatement agreement;
2. Limit the discretion of the governing body to delegate to its employees the authority to determine whether or not the governing body should consider a particular application or request for tax abatement;
3. Create any property, contract, or other legal right in any person to have the governing body consider or grant a specific application or request for tax abatement;

### Section 1 Definitions

- A. "Abatement" means the full or partial exemption from ad valorem taxes of certain property in a reinvestment zone designated by Young County or any incorporated municipality within Young County for economic development purposes.
- B. "Agreement" means a contractual agreement between a property owner and/or Lessee and Young County.
- C. "Base year value" means the assessed value on the eligible property as of January 1 preceding the execution of the agreement.
- D. "Deferred maintenance" means improvements necessary for continued operation which do not improve productivity or alter the process technology.
- E. "Eligible facilities" means new, expanded, or modernized buildings and structures, including fixed machinery and equipment, which is reasonably likely as a result of granting abatement to contribute to the retention or expansion of primary employment or to attract major investment in the reinvestment zone that would be a benefit to the property and that would contribute to the economic development of Young County, but does not include facilities which are intended to be primarily to provide goods or services to residents for existing businesses located in Young County, such as, but not limited to, restaurants and retail sales establishments, eligible facilities may include, but shall not be limited to hotels and office buildings.
- F. "Expansion" means the addition of building structures, machinery, equipment, or payroll for purposes of increasing production capacity.
- G. "Facility" means property improvement completed or in process of construction which together comprise an interregional whole.
- H. "Modernization" means a complete or partial demolition of facilities and the complete or partial reconstruction or installation of a facility of similar or expanded production

capacity. Modernization may result from the construction, alteration, or installation of buildings, structures, machinery, or equipment, or both.

- I. "New facility" means property previously undeveloped which is placed into service by means other than or in conjunction with expansion or modernization.
- J. "Productive life" means the number of years a property improvement is expected to be in service in a facility.

## Section 2 Abatement Authorized

- A. Eligible facilities Upon application, eligible facilities shall be considered for tax abatement as hereinafter provided.
- B. Creation of New Values Abatement may only be granted for the additional value of eligible property improvements made subsequent to and specified in an abatement agreement between Young County and the property owner of Lessee, subject to such limitations as Young County may require.
- C. New and existing facilities Abatement may be granted for the additional value of eligible property improvements made subsequent to and specified in an abatement agreement between Young County and the property owner of Lessee, subject to such limitations as Young County may require.
- D. Eligible property Abatement may be extended to the value of buildings, structures, fixed machinery and equipment, site improvements and related fixed improvements necessary to the operation and administration of the facility.
- E. Ineligible Property The following types of property shall be fully taxable and ineligible for tax abatement: land, supplies, tools, furnishings, and other forms of movable personal property, housing, deferred maintenance, property to be rented or leased except as provided in Section 2 F, property which has a productive life of less than ten years.
- F. Owned/leased facilities If a leased facility is granted abatement, the agreement shall be executed with the Lessor and the Lessee.
- G. Economic Qualifications In order to be eligible for designation as a reinvestment zone and receive tax abatement, the planned improvement
  - 1. Must be reasonably expected to have an increase in positive net benefit to Young County of at least \$1,000,000-00 over the life of the abatement, computed to include (but not limited to) new sustaining payroll and/or capital



improvement. The creation of (number and type) new jobs will also factor into the decision to grant an abatement; and

2. Must not be expected to solely or primarily have the effect of transferring employment from one part of Young County to another.

H. Standards for Tax Abatement The following factors, among other, shall be considered in determining whether to grant tax abatement:

1. Value of existing improvements, if any;
2. Type and value of proposed improvements;
3. Productive life of proposed improvements;
4. Number of existing jobs to be retained by proposed improvements;
5. Number and type of new jobs to be created by proposed improvements;
6. Amount of local payroll to be created;
7. Whether the new jobs to be created will be filled by persons residing or projected to reside within affected taxing jurisdiction;
8. Amount which property tax base valuation will be increased during term of abatement and after abatement, which shall include a definitive commitment that such valuation shall not, in any case, be less than \$1,000,000.00
9. The costs to be incurred by Young County to provide facilities directly resulting from the new improvements;
10. The amount of ad valorem taxes to be paid to Young County during the abatement period considering:
  - a. the existing values;
  - b. the percentage of new value abated;
  - c. the abatement period; and
  - d. the value after expiration of the abatement period.
11. The population growth of Young County that occurs directly as a result of new improvements;
12. The types and values of public improvements, if any, to be made by Applicant seeking abatement;
13. Whether the proposed improvements compete with existing businesses to the detriment of the local economy;
14. The impact on the business opportunities of existing businesses;
15. The attraction of other new businesses to the area;
16. The overall compatibility with the zoning ordinances and comprehensive plan for the area;
17. Whether the project obtains all necessary permits from the applicable environmental agencies.

Each eligible facility shall be reviewed on its merits utilizing the factors provided above. After such review, abatement may be denied entirely or may be granted to the extent deemed appropriate after full evaluation.

I. Denial of Abatement Neither a reinvestment zone nor abatement agreement shall be authorized if it is determined that:



1. There would be substantial adverse affect on the provision of government services or tax base;
  2. The applicant has insufficient financial capacity;
  3. Planned or potential use of the property would constitute a hazard to public health, safety or morals;
  4. Violation of other codes or laws; or
  5. Any other reason deemed appropriate by Young County.
- J. Taxability From the execution of the abatement to the end of the agreement period, taxes shall be payable as follows:
1. The value of ineligible property as provided in Section 2 E shall be fully taxable; and
  2. The base year value of existing eligible property as determined each year shall be fully taxable.

The additional value of new eligible property shall be fully taxable at the end of the abatement period.

### Section 3 Application

- A. Any present or potential owner of taxable property in Young County may request the creation of a reinvestment zone and tax abatement by filing a written application with the County Judge.
- B. The Application shall consist of a general description of the new improvements to be undertaken, a descriptive list of the improvements for which an abatement is requested, a list of the kind, number and location of all proposed improvements of the property, a map and property description, a time schedule for undertaking and completing the proposed improvements. In the case of modernization, a statement of the assessed value of the facility, separately stated for real and personal property, shall be given for the tax year immediately preceding the Application. The County may require such financial and other information as deemed appropriate for evaluating the financial capacity and other factors pertaining to the Applicant, to be attached to the Application. The completed Application must be accompanied by the payment of a non-refundable application fee for administrative costs associated with the processing of the tax abatement request. All checks in payment of the administrative fee shall be made payable to Young County. For abatement requests for improvements with a planned value equal to or in excess of \$1,000,000.00 the fee shall be one thousand and no/100 dollars (\$1000.00).
- C. Young County shall give notice as provided by the Property Tax Code, i.e. written notice, to the presiding officer of the governing body of each taxing unit in which the property to be subject of the agreement is located not later than the seventh day

before the public hearing and publication in a newspaper of general circulation within such taxing jurisdiction not later than the seventh day before the public hearing. Before acting upon Application, Young County shall, through public hearing, afford the Applicant and the designated representative of any governing body referenced hereinabove opportunity to show cause why the abatement should or should not be granted.

- D. If a city within Young County designates a reinvestment zone within its corporate limits and enters into or proposes to enter into an abatement agreement with a present or potential owner of taxable property such present or potential owner of taxable property may request tax abatement by Young County by following the same application process described in Section 3 A hereof. No other notice or hearing shall be required except compliance with the Open Meetings Act, unless the Commissioners Court deems them necessary in a particular case.

#### Section 4 Agreement

- A. After approval, the Commissioners Court of Young County shall formally pass a Resolution and execute an agreement with the owner of the facility and Lessee as required which shall:
1. Include a list of the kind, number, location of all proposed improvements to the property;
  2. Provide access to and authorize inspection of the property by the taxing unit to ensure compliance with the agreement;
  3. Limit the use of the property consistent with the taxing unit's developmental goals;
  4. Provide for recapturing property tax revenues that are lost if the owner fails to make improvements as provided by the agreement;
  5. Include each term that was agreed upon with the property owner and require the owner to annually certify compliance with the terms of the agreement to each taxing unit; and
  6. Allow the taxing unit to cancel or modify the agreement at any time if the property owner fails to comply with the terms of the agreement
- B. The owner of the facility and Lessee shall also agree to the following:
1. A specified number of permanent full time jobs at facility shall be created, and the owner and Lessee shall make reasonably efforts to employ persons who are residents of Young County in such jobs, provided, however, that there shall be no obligation to employ residents who are not:
    - a. equally or more qualified than nonresident applicants;



- b. available for employment on terms and/or salaries comparable to those required by nonresident applicants; or
  - c. able to become qualified with 72 hours training provided by Owner.
2. Each person employed in such job shall perform a portion, if not all, of their work in Young County.
3. Owner shall agree that it and its contractors, if any, will use reasonably commercial efforts to maximize its use of goods and services available through Young County businesses in the construction, operation, and maintenance of the improvements and the project; provided, however, that there shall be no requirement to use goods and services provided by Young County residents that are not
  - a. of similar quality to those provided by nonresidents; or
  - b. made available on terms and conditions (including pricing) comparable to those offered by nonresidents. Comparable price shall be defined as less than or equal to 105% of the nonresident price for equivalent quality, conditions and terms.
4. Owner or its construction contractor, if any, shall designate a coordinator of local services who will act as liaison between any individuals, businesses, and contractors residing or doing business in Young County who are interested in obtaining information about providing goods or services related to the construction of the project. Additionally, Owner or its construction contractor, if any, shall advertise in local newspapers in Young County for local contractors to perform work on the construction of the project.
5. On May 1st of each year that the agreement shall be in effect, Owner shall certify to the County Judge of Young County, and to the governing body of each taxing unity, that Owner is in compliance with each applicable term set forth above.

Such agreement shall normally be executed within sixty (60) days after the Applicant has forwarded all necessary information and documentation to the Commissioners Court.

## Section 5 Recapture

### A. In the event that the company or individual:

1. Allows its ad valorem taxes owed Young County to become delinquent and fails to timely and properly follow the legal procedures for their protest and/or contest; or
2. Violates any of the terms and conditions of the abatement agreement and fails to cure during the cure period, the agreement then may be terminated and all taxes previously abated by virtue of the agreement will be recaptured and paid within thirty (30) days of the termination.



- B. Should Young County determine that the company or individual is in default according to the terms and conditions of its agreement, Young County shall notify the company or individual in writing at the address stated in the agreement, and if such is not cured within thirty (30) days from the date of such notice (cure period) then the agreement may be terminated.

## Section 6 Administration

- A. The Chief Appraiser of the Young County Appraisal District will annually determine an assessment of the real and personal property comprising the reinvestment zone. Each year, the company or individual receiving abatement shall furnish the Appraiser with such information as may be necessary for the abatement. Once value has been established, the Chief Appraiser will notify the Commissioners Court of Young County of the amount of the assessment.
- B. Young County may execute a contract with any other jurisdictions to inspect the facility to determine if the terms and conditions of the abatement agreement are being met. The abatement agreement shall stipulate that employees and/or designated representatives of Young County will have access to the reinvestment zone during the term of the abatement to inspect the facility to determine if the terms and conditions of the agreement are being met. All inspections will be made only after the giving of twenty-four (24) hours prior notice and will only be conducted in such a manner as to not unreasonably interfere with the construction and/or operation of the facility. All inspections will be made with one or more representatives of the company or individual and in accordance with its safety standards.
- C. Upon completion of construction, the designated representative of Young County shall annually evaluate each facility receiving abatement to insure compliance with the agreement. A formal report shall be made to the Commissioners Court.

## Section 7 Assignment

Abatement may be transferred and assigned by the holder to a new owner or lessee of the same facility upon the approval by resolution of the Commissioners Court of Young County subject to the financial capacity of the assignee and provided that all conditions and obligations in the abatement agreement are guaranteed by the execution of a new contractual agreement with Young County. No assignment or transfer shall be approved if the parties to the existing agreement, the new owner or new lessee are liable to any jurisdiction for outstanding taxes or other obligations. Approval shall not be unreasonably withheld.

# Section 8 Sunset Provision

These guidelines and criteria are effective upon the date of their adoption and will remain in force for two years unless amended by three quarters vote of the Commissioners Court of Young County, at which time all reinvestment zones and tax abatement agreements created pursuant to these provisions will be reviewed to determine whether the goals have been achieved. Based on the review, the guidelines and criteria will be modified, renewed, or eliminated.

ADOPTED

7-28-08

YOUNG COUNTY COMMISSIONERS' COURT

  
Judge Stan Peavy III

→ Recused, signed only to  
evidence that there were  
the adopted guidelines  
and criteria

  
Commissioner John Hawkins Precinct 1

  
Commissioner John Charles Bullock Precinct 2

  
Commissioner R.L. Spivey Precinct 3

→ Recused, signed only to evidence  
that there were the adopted  
guidelines & criteria.

  
Commissioner Jimmy Wiley Precinct 4

JCB 7-28-08

## **Attachment F**

### **Step 5: Economic Impact**

9. Gamesa Energy USA, the parent of Senate Wind, LLC, develops, constructs, and operates wind farms in different countries around the world. The company has the ability to locate or relocate in another state, another region of Texas, or another region of the world. Senate Wind believes that the proposed site in Jack County is a desirable business location. Receiving the Appraised Value Limitation from the school district is vital to the economic competitiveness of the project with other projects being developed by Gamesa Energy USA.

10. Young County is suffering from the same economic difficulties facing the United States as a whole. Recent declines in oil and gas prices have affected the income of the county and local citizens with economic interests in mineral production. The county's agricultural interests are also suffering from drought conditions.

This project will have a significant impact on the property tax base of Young County. The indirect impact provided by new permanent jobs and temporary construction jobs to existing businesses in Young County will be substantial. Businesses that will benefit include hotels, restaurants, and suppliers and vendors who will provide goods and services to the new facility. New suppliers and vendors may locate in Young County to service the new project. Local and regional taxing authorities should also benefit from sales and use taxes generated by the project.



**2008 Manufacturing Wages by Council of Government Region**  
**Wages for All Occupations**

COG	Wages	
	Hourly	Annual
<b>Texas</b>	<b>\$20.61</b>	<b>\$42,872</b>
1. <u>Panhandle Regional Planning Commission</u>	\$18.23	\$37,916
2. <u>South Plains Association of Governments</u>	\$14.81	\$30,799
3. <u>NORTEX Regional Planning Commission</u>	\$17.78	\$36,982
4. <u>North Central Texas Council of Governments</u>	\$22.60	\$47,011
5. <u>Ark-Tex Council of Governments</u>	\$15.50	\$32,239
6. <u>East Texas Council of Governments</u>	\$16.07	\$33,431
7. <u>West Central Texas Council of Governments</u>	\$16.30	\$33,904
8. <u>Rio Grande Council of Governments</u>	\$14.93	\$31,048
9. <u>Permian Basin Regional Planning Commission</u>	\$17.51	\$36,422
10. <u>Concho Valley Council of Governments</u>	\$14.07	\$29,274
11. <u>Heart of Texas Council of Governments</u>	\$17.19	\$35,749
12. <u>Capital Area Council of Governments</u>	\$24.50	\$50,969
13. <u>Brazos Valley Council of Governments</u>	\$14.93	\$31,052
14. <u>Deep East Texas Council of Governments</u>	\$15.42	\$32,066
15. <u>South East Texas Regional Planning Commission</u>	\$24.60	\$51,161
16. <u>Houston-Galveston Area Council</u>	\$21.80	\$45,353
17. <u>Golden Crescent Regional Planning Commission</u>	\$18.72	\$38,932
18. <u>Alamo Area Council of Governments</u>	\$16.50	\$34,330
19. <u>South Texas Development Council</u>	\$13.76	\$28,631
20. <u>Coastal Bend Council of Governments</u>	\$22.61	\$47,037
21. <u>Lower Rio Grande Valley Development Council</u>	\$13.05	\$27,145
22. <u>Texoma Council of Governments</u>	\$17.99	\$37,415
23. <u>Central Texas Council of Governments</u>	\$16.47	\$34,255
24. <u>Middle Rio Grande Development Council</u>	\$13.85	\$28,810

Young County  
(Graham ISD) and  
Jack County  
(Bryson ISD)

Source: Texas Occupational Employment and Wages

Data published: 9 June 2009

Data published annually, next update will be June 2010.

Note: Data is not supported by the Bureau of Labor Statistics (BLS).

Wage data is produced from Texas OES data, and is not to be compared to BLS estimates.

Data intended for TAC 313 purposes only.

## CUMMINGS WESTLAKE LLC

12837 Louetta Road, Suite 201 Cypress, Texas 77429-5611 713-266-4456 713-266-2333 (Fax)

May 17, 2009

Ms. Allison Gilliam  
Texas Comptroller of Public Accounts  
Local Government Assistance & Economic Development  
LBJ Office Building  
111 East 17<sup>th</sup> St.  
Austin, TX 78744

Re: Wind Project Job Creation – Senate Wind, LLC – Graham ISD

Dear Ms. Gilliam:

Our clients have been asked to provide background information on the creation of full-time jobs by a wind project. Wind projects create a large number of construction jobs but require a small number of highly skilled technicians to operate a wind project once commercial operations start.

The permanent employees of a wind project maintain and service wind turbines, underground electrical connections, substations, and other infrastructure associated with the safe and reliable operation of the project. Based upon a survey of our clients who are experienced developers and operators of large scale wind projects, we find that industry standard for permanent employment is one full-time employee for every fifteen turbines. This number can and does vary depending upon the operator, turbine type, and the support and technical assistance (warranty) offered by the turbine manufacturer.

In addition to the onsite employees described above, there may be asset managers or technicians who supervise, monitor, and support wind project operations from offsite locations. Since there are twelve (12) turbines slated for installation in Graham ISD, one employee is the industry standard for staffing the project portion in the district.

If you have questions, please contact me at 713-266-4456, or by email at [dcummings@cwlp.net](mailto:dcummings@cwlp.net).

Sincerely,



D. Dale Cummings

ATTACHMENT H